

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

FILED BY 8 D.C.
05 DEC -1 AM 8:46

UNITED STATES OF AMERICA,)

Plaintiff,)

VS.)

No. 05-10008-T/An

GREGORY CLARK,)

Defendants.)

ORDER DENYING MOTION FOR TEMPORARY RELEASE

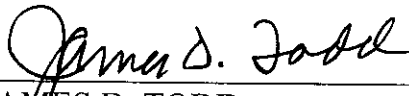
At the time of defendant Gregory Clark's initial appearance in this Court, he was ordered detained in the custody of the U.S. Marshal, pursuant to the provisions of 18 U.S.C. § 3142. On July 14, 2005, defendant entered a plea of guilty to counts one and four of the indictment, charging him with distribution of cocaine and possession with the intent to distribute crack cocaine. A sentencing hearing is scheduled for December 15, 2005. Defendant remains in custody.

On November 18, 2005, the Court received a handwritten letter from the defendant requesting that he be allowed to report to prison on his own following sentencing, so that he might spend Christmas with his children. A motion was subsequently filed by counsel on the defendant's behalf, requesting that the defendant temporarily be released for forty-

eight hours to spend Christmas with his family. The United States has filed a response in opposition to the motion.

Due to the nature of the offenses in this case, there is a presumption that the defendant should be detained pending sentencing unless certain conditions are met. See 18 U.S.C. § 3142(f); § 3143(a)(2). Defendant has offered no new information demonstrating that those conditions have been met. The desire to spend Christmas with his children, regardless of how sincere it may be, is insufficient. Therefore, the motion for temporary release is DENIED.

IT IS SO ORDERED.



JAMES D. TODD
UNITED STATES DISTRICT JUDGE

30 November 2005

DATE



Notice of Distribution

This notice confirms a copy of the document docketed as number 34 in case 1:05-CR-10008 was distributed by fax, mail, or direct printing on December 6, 2005 to the parties listed.

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Honorable James Todd
US DISTRICT COURT